

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, ROOM E306



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INDIANAPOLIS, 46204

February 27, 1998

By Federal Express

Magalie R. Salas, Secretary
Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RE: CC Docket No. 96-45
AAD/USB File No. 98-37
PaReconsideration Petition
Comment of [STATE]

Dear Ms. Salas:

On behalf of the Indiana Utility Regulatory Commission, I am filing this Comment in Support of the Combined Joint Petition filed by the Pennsylvania Public Utility Commission. In accordance with the filing instructions provided in Notice DA 98-293 and 47 C.F.R. §§1.49, 1.415 and 1.419, copies are being provided for distribution as follows:

Commissioners	5
Secretary (Original and 1 copy)	2
Common Carrier Bureau	2
Information Office	1
Pamela Gallante (Common Carrier)	1
Irene Flannery (Universal Service)	1
Sheryl Todd (Universal Service)	1
ITS	2.

In addition, a copy of the comment is being forwarded to the Pennsylvania Public Utility Commission in Harrisburg, Pa.

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CC Docket No. 96-45
AAD/USB File No. 98-36

Table of Contents

Comments of	Indiana Utility Regulatory Commission
Appendix A	FCC Decision of 1/2/98
Appendix C (2/20/98)	National List of Counties Eligible for Waiver
Appendix C-1 (2/20/98)	Regional List of Counties Eligible for Waiver
Appendix D (2/20/98)	National List of Cost to Include Counties in Schools & Libraries and Rural Health Budgets
Appendix D-1 (2/20/98)	List of Cost (by State) to Include Counties in Schools & Libraries and Rural Health Budgets
Appendix D-1-A (2/20/98)	List of Counties identified in the PaPUC Combined Petition for the State of Indiana that could be eligible for Waiver under the Four-Part Pennsylvania Test

CC Docket No.1 96-45
AAD/USB File No. 98-36
PaPUC Reconsideration Petition
Comments of the IURC.

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)	CC Docket No. 96-45
Federal-State Joint Board on)	AAD/USB File No. 98-36
Universal Service)	

COMMENTS OF THE
INDIANA UTILITY REGULATORY COMMISSION
IN SUPPORT OF
THE COMBINED PETITION FOR RECONSIDERATION OF
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

I. INTRODUCTION

Pursuant to FCC Public Notice DA 98-293 released on February 13, 1998, the Indiana Utility Regulatory Commission (IURC) submits these comments in support of the Combined Petition for Reconsideration of the Pennsylvania Public Utility Commission (PaPUC Combined Petition). This comment further incorporates other comments and reply comments filed in support of the PaPUC Combined Petition to the extent they are consistent with this comment.

II. BACKGROUND

1. On January 2, 1998, the Commission's Common Carrier Bureau (CCB or Bureau) issued a Memorandum Opinion and Order (Pennsylvania Decision) denying the PaPUC's request for a waiver from the definition of "rural area" contained in Section 54.5 of the Commission's rules. The PaPUC

submitted a PaPUC Combined Petition urging the CCB to reconsider that prior determination and grant alternative relief¹.

2. Section 254(b)(2) of the Telecommunications Act of 1996 (TA-96) generally requires that the cost for telecommunications be just, reasonable, and affordable. Sections 254(b)(2) and (b)(3) of the TA-96 also require that services be provided to all regions of the nation and that services be provided to rural areas at a level of quality and at a price comparable to that provided for similar services in urban areas.

3. Section 254(h)(1)(A) of TA96 requires the Federal Communication Commission (FCC) to adopt a definition of “rural area” to determine the location of health care providers eligible for universal service support and to determine the “comparable rural areas” used to calculate the credit or reimbursement provided to a telecommunications carrier that provides telecommunications services to health care providers at reduced cost. The discount for health care providers can be secured only if the health care provider is located in a rural area. While section 254(h)(1)(B) provides a discount for schools and libraries, there is an additional discount for schools and libraries in rural areas.

4. The trigger for the discounts is whether the rural area meets the FCC’s definition. The FCC’s

¹In the Matter of the Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Memorandum Opinion and Order, January 2, 1998 (the Pennsylvania Decision). The nine rural Pennsylvania counties are Butler, Carbon, Columbia, Fayette, Lebanon, Perry, Pike, Somerset, and Wyoming. See Appendix A.

definition relies upon the Office of Management and Budget's (OMB) list of Metropolitan Statistical Areas (MSAs), and census blocks or tracts in metropolitan counties identified by the Goldsmith Modification (the OMB-Goldsmith definition). In the absence of a waiver from that definition, a rural county cannot acquire the rural health care discount or the additional discount for schools and libraries.

5. In 1997, the PaPUC submitted a request for a waiver from the OMB-Goldsmith definition on behalf of nine Pennsylvania counties. The PaPUC request rested on, among other things, a significantly lower primary care physician-to-population ratio, a significantly higher proportion of residents living within designated areas of limited medical services, and significantly fewer hospitals and hospital beds.

6. The PaPUC bolstered the waiver request with a showing that the cost to the federal universal service program was minuscule. The cost of adding the affected 46 health care providers in the nine rural counties would only add an estimated \$475,087 (or less than 2/10 of one percent of the \$400 million allocated for the health care program). The PaPUC further bolstered the waiver request by showing that the cost to include the 317 schools in the nine rural counties adds only \$544,555 (or less than 3/100 of one percent of the \$2.25 billion allocated for schools and libraries).

III. IURC POSITION

7. The IURC supports the PaPUC Combined Petition because it contains new and relevant supplemental evidence, not reasonably discoverable at the time of the initial pleadings, sufficient to

warrant reconsideration under the law and the Commission's regulations. The IURC is particularly concerned about the disproportionate impact that denying the PaPUC Combined Petition will have on states east of the Mississippi, including Indiana, and the impact on Texas, Louisiana, and Missouri west of the Mississippi. The IURC believes that this constitutes new and relevant supplemental evidence substantially likely to affect the implementation of Sections 254(b) and 254(h) of the TA-96².

8. The IURC also files these comments in support of the PaPUC's request for a waiver because Pennsylvania has shown new circumstances, developed in more detail below, demonstrating that the FCC's Pennsylvania Decision never explained in detail what evidence the states must show to establish the "special circumstances" necessary to secure a waiver from the OMB-Goldsmith definition. The FCC should reconsider and analyze the PaPUC's new evidence to remedy this lack of detail. Otherwise, the states will be unable to discern when, and under what circumstances, they could seek a waiver from the FCC's narrow definition of "rural areas" for purposes of the TA96.

9. The IURC also supports the PaPUC's request for a waiver because of the new claim, not capable of being raised before, that the Pennsylvania Decision and the FCC's current definition impose an inadvertent, but very real, inequity and hardship on counties east of the Mississippi River. The initial PaPUC Combined Petition shows that 177 of 229 counties eligible for a waiver under the PaPUC Combined Petition are located east of the Mississippi. The PaPUC's initial filing also shows

²See 47 C.F.R. 1.106; *W.S. Butterfield Theatres, Inc. v. Federal Communications Commission*, 99 App DC 71, 237 F.2d 552 (1956); ReArmond J. Rolle, 31 FCC2d 553 (1971).

that 24 of the remaining 52 counties are concentrated in 3 states west of the Mississippi i.e., Texas, Louisiana, and Missouri.

10. This disproportionate impact is underscored by recent supplemental information filed by the PaPUC in support of the PaPUC Combined Petition. The Supplemental Information shows that 235 of 325 counties eligible for a waiver as suggested by the PaPUC Combined Petition are located east of the Mississippi River and that 46 of the remaining 90 counties west of the Mississippi river are concentrated in Texas, Louisiana, and Missouri. The IURC does not believe that this disproportionate impact was intended by the Congress. See Appendix D-1-A attached with these comments.

11. In particular, the IURC is concerned that if the FCC does not approve PaPUC's request for a waiver, the 21 Indiana counties identified by PaPUC would not be able to obtain a waiver from the FCC's definition and would therefore be denied the benefits intended for rural Indiana under the TA96. In support of the PaPUC's position, attached is Appendix D-1-A which shows the identified Indiana counties that could be eligible for a waiver if the FCC endorses the PaPUC's proposal. Also, attached is Appendix D-1 showing that the cost of providing the schools and libraries and health care discounts to the 21 identified counties would be .3% of the \$2.5 billion budgeted for schools and libraries and .3% of the \$400,000,000 budgeted for rural health care. Even if discounts are provided to every county in every state that might be eligible under the four-part Pennsylvania test, only 4% of the total \$2.5 billion budgeted for schools and libraries, and 4% of the \$400,000,000 budgeted for rural health care will be expended. Finally, these claims are based on nationally available 1990

Census Bureau definitions and data. See Appendix C, Appendix C-1, Appendix D, Appendix D-1 and Appendix D-1-A appended to this comment.

12. The IURC further supports the PaPUC's request for a waiver because the matter can be simply remedied. The IURC supports the PaPUC claim that new evidence, not capable of being raised before, shows that the omissions, the absence of detail in the Pennsylvania Decision about what constitutes "special circumstances", and the hardship and inequity suggested by the PaPUC Combined Petition and these comments can be remedied by simply identifying what constitutes "special circumstances" for obtaining a waiver from the definition of "rural area" contained in section 54.5 of the Commission rules. By identifying what constitutes "special circumstances" for waiver requests under Section 251(h) of the Act, the FCC can avoid protracted litigation.

13. Under the PaPUC test, Indiana would be expected to show that a county is less than 50% urbanized as defined by the U.S. Census Bureau. Second, Indiana would have to show that each county contains no "central city" as defined by the US Census Bureau. Third, Indiana would have to show the existence of prior commitments to the county, such as education or health care initiatives, based on the county's rural status. Finally, Indiana would have to provide other corroborating evidence that tended to establish that the county was different from an urban county. States able to make these showings would be granted a waiver from the OMB-Goldsmith definition as a "modified non-urbanized" exception to the general definition. The IURC believes that a test should be adopted that enhances predictability and is not burdensome to administer.

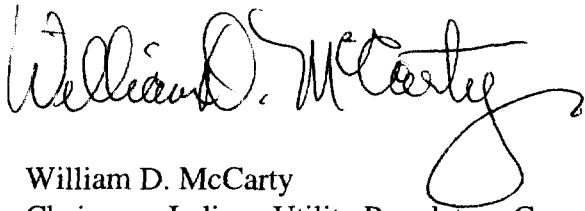
14. Finally, the IURC is very concerned about this proceeding because the CCB's decision here has a profound impact on the 21 identified counties in Indiana that might be eligible to seek a waiver. The IURC believes that it could make a similar showing based on similar criteria and thus avoid the disproportionate impact under the rigid definitions developed by the FCC, which operates to the detriment of Indiana citizens.

15. For these reasons, the IURC files these comments in support of the PaPUC's request for a waiver. The IURC urges the FCC to grant reconsideration and provide Pennsylvania the relief requested. The IURC believes that the FCC should develop standards for requesting a waiver from the definition of "rural area" contained in Section 54.5 of the Commission's rules. The waiver process would enhance regulatory predictability, provide the flexibility needed in the complex field of determining what is "rural" in America, and be a useful guide to the IURC in regard to Indiana's concerns.

IV. CONCLUSION

The IURC urges the Commission to provide guidance to states on what considerations would justify a waiver from the OMB-Goldsmith definition. The IURC believes that the absence of detail on what constitutes "special circumstances" in the Pennsylvania Decision, the hardship and inequity imposed on counties east of the Mississippi River under a rigid and inflexible application of the OMB-Goldsmith definition, the disproportionate impact on 3 states west of the Mississippi River, and the spirit and intent of Congress justify a waiver from the OMB-Goldsmith definition for "rural area"

Respectfully submitted,

A handwritten signature in black ink, reading "William D. McCarty". The signature is fluid and cursive, with a large loop at the end of the last name.

William D. McCarty
Chairman, Indiana Utility Regulatory Commission

cc: Commissioners, Huffman, Klein, Swanson-Hull, Ziegner
C. Miller, Chief Administrative Law Judge
R. Glazier, Director of Utilities
S. Ibaugh, Director of Telecommunications
J. Witmer, Assistant Counsel,
Pennsylvania Public Utility Commission

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Federal-State Joint Board on) CC Docket No. 96-45
Universal Service)
)

MEMORANDUM OPINION AND ORDER

Adopted: January 2, 1998

Released: January 2, 1998

By the Chief, Common Carrier Bureau:

I. INTRODUCTION

1. On September 30, 1997, the Pennsylvania Public Utility Commission ("Pennsylvania Commission") submitted a request for waiver of the definition of "rural area" contained in section 54.5 of the Commission's rules.¹ This definition is used to determine which health care providers are eligible to participate in the universal service support program² and also partially determines the discount rate for schools and libraries that are eligible for universal service support.³ We conclude that the Pennsylvania Commission has not demonstrated good cause justifying a waiver. Accordingly we deny the Pennsylvania Commission's request.

II. BACKGROUND

2. With respect to support mechanisms for health care providers, section 254(h)(1)(A) of the Communications Act of 1934, as amended ("the Act"), requires the Commission to adopt a definition of "rural area" both to determine the location of health care providers eligible for universal service support, and to determine the "comparable rural areas" used to calculate the credit or reimbursement to a telecommunications carrier that provides services to those health care providers at reduced rates.⁴ The Commission,

47 C.F.R. § 54.5.

See 47 C.F.R. § 54.601(a)(4).

See 47 C.F.R. § 54.505(b)(3).

47 U.S.C. § 254(h)(1)(A). See also Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order*, 12 FCC Rcd at 9113 (1997) (Universal Service Order).

adopting the approach recommended by the Federal-State Joint Board on Universal Service ("Joint Board"), defined a "rural area" as one that is located in a non-metropolitan county, as classified by the Office of Management and Budget's ("OMB's") list of Metropolitan Statistical Areas ("MSAs"), or is identified by the Goldsmith Modification published by the Office of Rural Health Policy of the U.S. Department of Health and Human Services ("ORHP/HHS").⁵ The Commission agreed with the Joint Board's conclusion that the MSA/Goldsmith approach is more easily used and administered than other proposals suggested for identifying rural areas.⁶

3. In addition, section 254(h)(1)(B) mandates that discounts for eligible schools and libraries must be "appropriate and necessary to ensure affordable access to and use of" the services designated for support.⁷ Building on the Joint Board's recognition that schools and libraries in high cost areas will confront relatively higher barriers to maintaining communications links, the Commission identified high cost schools and libraries as those located in rural, as opposed to urban, areas for purposes of determining discount amounts.⁸ The Commission concluded that, for purposes of discounts for telecommunications providers serving eligible schools and libraries, "rural area" is defined as non-metropolitan counties, as measured by the OMB's MSA list, and census blocks or tracts in metropolitan counties identified by the Goldsmith Modification.⁹

III. POSITION OF PARTIES

4. The Pennsylvania Commission contends that applying these rules will have an "adverse impact" on the schools, libraries and health care providers located in nine Pennsylvania counties.¹⁰ Specifically, the Pennsylvania Commission argues that, although these counties do not qualify as "rural" under the Commission's rules they have a "strong 'rural' character and nature."¹¹ The Pennsylvania Commission cites various factors to demonstrate that a waiver is necessary, including, relative to 24 Pennsylvania counties classified as urban under the Commission's rules: a significantly lower primary care physician-to-population ratio; a significantly higher proportion of residents living within designated areas of medical underservice; and significantly fewer hospitals and hospital beds.¹²

5. In addition, the Pennsylvania Commission attaches to its petition an "Interim Report" prepared by the Pennsylvania Universal Telephone Service Task Force

47 C.F.R. § 54.5. *See also* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Recommended Decision*, 12 FCC Rcd at 441 at 441 (Recommended Decision).

Universal Service Order, 12 FCC Rcd at 9115-16.

47 U.S.C. § 254(h)(1)(B). *See also* Universal Service Order, 12 FCC Rcd at 9035.

Universal Service Order, 12 FCC Rcd at 9042.

47 C.F.R. § 54.505(b)(3)(ii).

Pennsylvania Commission petition at 1. The counties at issue are: Butler, Carbon, Columbia, Fayette, Lebanon, Perry, Pike, Somerset, and Wyoming. Pennsylvania Commission petition at 3.

Pennsylvania Commission petition at 1.

Pennsylvania Commission petition at 3. By the phrase, "designated areas of medical underservice," we interpret the Pennsylvania Commission to mean areas reporting demographics indicative of below-average medical care.

("Pennsylvania Task Force").¹³ This report presents an analysis of the fiscal impact of (1) providing universal service support to the public or non-profit health care providers located in the nine counties at issue and (2) increasing by ten percent the discount percentage eligible schools and libraries located in these counties would receive if they were designated as rural.¹⁴ Based on its analysis, the Pennsylvania Task Force Concluded that including the 46 health care providers located in the nine counties at issue would cost \$475,087.00, or less than 2/10 of one percent of the \$400 million dollar cap imposed on the health care portion of the universal service program.¹⁵ The Pennsylvania Task Force also concluded that the additional ten percent discount -- the most a school's discount can increase by reclassifying its location as rural -- would result in approximately \$504,955.00 of additional support for the 317 schools located in the nine counties.¹⁶ The Pennsylvania Task Force also concluded that classifying the 55 libraries located in the nine counties would cost an additional \$39,600.00.¹⁷ Based on its calculations, the Pennsylvania Task Force concluded that designating the schools and libraries located in the nine counties would cost \$544,555.00, or less than 3/100 of one percent of the \$2.25 billion dollars of support that will be available for eligible schools and libraries.¹⁸

IV. DISCUSSION

6. Under section 1.3 of our rules, the Commission may waive any provision of its

Interim Report Concerning the Definition of Rural Areas Prepared by the Subcommittee on Rural Health Care and Schools and Libraries, Pennsylvania Universal Telephone Service Task Force, adopted July 14, 1997 ("Pennsylvania Interim Report").

See Pennsylvania Interim Report at 5-7.

The Pennsylvania Task Force determined that there are 46 eligible health care providers located in the nine counties at issue. The Pennsylvania Task Force calculated the distance from the health care provider to the city with a population of 50,000 or more nearest to each health care provider; identified the incumbent local exchange carrier (LEC) for each health care provider and for each city with a population of 50,000 or more; calculated the maximum allowable distance for each health care provider; compared the rates for T-1 service offered by each incumbent LEC serving the health care provider in the nine counties with the rates for T-1 service available in the cities with populations of 50,000 or more. Pennsylvania Interim Report at 5-6. We note that the Pennsylvania Task Force did not provide specific prices indicating that the prices of a T-1 in these nine counties are similar to rates in rural areas in the state. Rather, in describing its method, the Pennsylvania Task Force states generally: "[f]or example, the local channel charge for a T-1 is higher in rural areas than in urban areas." *Id.* at 6.

Pennsylvania Interim Report at 6. The Pennsylvania Task Force cited the Commission's estimate that schools nationwide will spend \$3.0 billion annually to purchase the technology services eligible for discounts. The Pennsylvania Task Force assumed that the weighted national average of discounts is 60 percent, and, thus, concluded that discounts for schools and libraries will cost \$1.8 billion. The Pennsylvania Task Force divided this amount by 113,000, its estimate of the total number of schools nationwide, to compute an approximate discount for each school of \$15,929.00. Using this number, the Pennsylvania Task Force determined that the maximum additional discount that would be available by reclassifying the 317 schools in the nine counties would be ten percent of the discount per school, or \$1,592.92. Multiplying this number by 317, the number of schools in the nine counties, the Pennsylvania Task Force estimated that designating these counties as rural would cost approximately \$504,955.00 in universal service support. *Id.*

Pennsylvania Interim Report at 7. The Pennsylvania Task Force estimated that libraries nationwide will spend \$180 million annually to purchase services eligible for discounts. The Pennsylvania Task Force also estimated that the national weighted average of discounts for libraries is 60 percent and, thus, calculated the cost of discounts on eligible services to be \$108 million. The Pennsylvania Task Force then divided this number by the total number of libraries nationwide (15,000) and determined that \$7,200.00 is the approximate discount per library. Assuming that a library's discount would increase by ten percent if a library was reclassified from urban to rural, the Pennsylvania Task Force determined that \$720.00 is the average amount of support that each such library would gain. Finally, the Pennsylvania Task Force multiplied \$720.00 by the number of libraries in the nine counties at issue (55) to calculate the approximate cost of the requested reclassification at \$39,600.00. *Id.*

Pennsylvania Interim Report at 7.

rules or orders if "good cause" is shown.¹⁹ The standard for good cause requires the petitioner to demonstrate that special circumstances warrant deviation from the rule and that such a deviation would better serve the public interest than the general rule.²⁰ The Court of Appeals for the D.C. Circuit has stated that a waiver may permit a more rigorous adherence to an effective regulation by allowing the agency to take into account considerations of hardship, equity, or more effective implementation of overall policy on an individualized basis, while also emphasizing that "[a]n applicant for waiver faces a high hurdle even at the starting gate."²¹ In *WAIT Radio*, the court explained that "[t]he very essence of a waiver is the assumed validity of the general rule "²² Therefore, the test for whether the Pennsylvania Commission may be granted a waiver is whether it has shown such special circumstances that warrant deviation from our definition of "rural area." We conclude that the Pennsylvania Commission has failed to make this showing.

7. The identification of a rural area under our rules is a two-part process. First, a school, library or health care provider must determine whether it is located in a metropolitan county, as defined by the MSA lists published by OMB.²³ Second, if it is located in a metropolitan county, a school, library or health care provider may nevertheless be located in a rural area if its location falls within one of the rural pockets within metropolitan counties identified by the Goldsmith Modification list used by ORHP/HHS.²⁴ The Commission based on the Joint Board's recommendation, found that adopting the MSA/Goldsmith Modification approach to identifying rural areas is "consistent with the Joint Board's recommendation and congressional intent to adopt a mechanism that includes the largest reasonably practicable number of rural health care providers, that because of their location, are prevented from obtaining telecommunications services at rates available to urban customers."²⁵ We remain convinced that the MSA/Goldsmith approach is the best method of identifying "rural areas" currently available.

8. The Pennsylvania Commission's waiver petition fails to meet the "good cause"

47 C.F.R. § 1.3.

See Northwest Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972)(*WAIT Radio*).

WAIT Radio at 1157.

Id. at 1158.

47 C.F.R. § 54.505(b)(3)(ii); 47 C.F.R. § 54.601(a)(4). *See* Universal Service Order, 12 FCC Rcd at 9114 n.1698 (OMB, with assistance from the Bureau of Census, designates counties as metropolitan or non-metropolitan in character based on the size of the largest urban aggregation in a county and patterns of commuting between counties).

47 C.F.R. § 54.505(b)(3)(ii); 47 C.F.R. § 54.601(a)(4). *See* Universal Service Order, 12 FCC Rcd at 9115 n.1700 (the Goldsmith Modification identifies small town and open-country parts of large metropolitan counties by census tract or block-numbered area, as defined by the Bureau of Census).

Universal Service Order, 12 FCC Rcd at 9116 *citing* Recommended Decision, 12 FCC Rcd at 441 and S. Rep. No. 230, 104th Cong., 2d Sess. at 132 and 133. We note that the Advisory Committee on Telecommunications and Health Care also recommended that the Commission use the ORHP/HHS method to identify rural areas. *See* Universal Service Order, 12 FCC Rcd at 9114.

standard. The evidence submitted by the Pennsylvania Commission in support of its request, including significantly fewer hospitals and hospital beds and a lower physician-to-resident ratio in the nine counties relative to urban areas in Pennsylvania, does not demonstrate that a waiver of our rules governing universal service support for telecommunications services is justified.²⁶ Moreover, a showing that the rates charged for telecommunications services in the nine counties exceed those charged in other non-rural areas, without more, would not warrant a grant of a waiver from the Commission's rules. We note that schools, libraries and health care providers in the nine counties will benefit from universal service support despite their location in non-rural areas. To the extent that health care providers in these counties are unable to obtain toll-free access to the Interact, they are eligible to benefit from support designed to ensure such access.²⁷ With respect to the schools and libraries support mechanism, the schools and libraries in the nine counties at issue are already entitled to discounts, which are determined based on economic need as well as location in a rural area.²⁸ We conclude that the evidentiary showing presented by the Pennsylvania Commission does not establish the "special circumstances" that would justify a waiver of the Commission's general rule.

9. We also note that the Commission set forth clear guidelines for determining whether, and to what extent, rural health care providers and schools and libraries are eligible for support.²⁹ These guidelines are designed to comply with the statutory mandate that universal service mechanisms be "specific, predictable and sufficient."³⁰ The Pennsylvania Commission, by presenting the calculations of the Pennsylvania Task Force included with the Pennsylvania Commission's petition, provide estimates of the impact on universal service support if its waiver request concerning the nine Pennsylvania counties were granted. This analysis, however, does not take into account the impact on universal service support if other state commissions requested similar relief for non-rural counties in their states that have rural characteristics. Granting such waiver petitions would undermine the Commission's method for ensuring that universal service support mechanisms are specific, predictable and sufficient.³¹

10. It is THEREFORE ORDERED, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i) and sections 0.91, 0.291, and 1.3 of the

We note that the Joint Board rejected an approach under which the Commission would consider specific factors -- such as the ratio of physicians to residents in an area -- to determine whether the health care providers in a particular area should be eligible to benefit from universal service support. *See Recommended Decision*, 12 FCC Rcd at 439 ("employing the methods recommended here for determining rural areas, we see no need to consider other factors such as number of doctors in the community or driving distance from the hospital in formulating a definition of rural area.").

See Universal Service Order, 12 FCC Rcd at 9159 (concluding that each health care provider that cannot obtain toll-free access is entitled to receive a limited amount of toll-free access).

See Universal Service Order, 12 FCC Rcd at 9050 (adopting discount matrix showing discounts ranging from 20 to 90 percent fulfills statutory obligation to ensure schools and libraries receive supported services at rates less than those charged to other parties).

For example, the Commission established a matrix for determining the discount rate for which a school or library is eligible, based on two factors: economic need and location in a rural area.

Universal Service Order, 12 FCC Rcd at 9141 (*citing* 47 U.S.C. § 254(b)(5)) and 9054-55.

See WAIT Radio at 1157, 1159.

Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 1.3. that the Pennsylvania Commission's request for waiver IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

A. Richard Metzger, Jr.
Chief, Common Carrier Bureau

APPENDIX C, CORRECTED, FEBRUARY 20, 1998 ESTIMATED METRO/NONMETRO COUNTIES UNDER WAIVER CRITERIA

CENTER FOR RURAL PENNSYLVANIA, 212 LOCUST STREET, SUITE 604, HARRISBURG, PA 17101 (717) 787-9555

	TOTAL # COUNTIES	METRO / NONMETRO DEFINITION		TOTAL # COUNTIES	POTENTIAL WAIVER CRITERIA COUNTIES		# WAIVER CRITERIA RURAL COUNTIES MINUS # NONMETRO COUNTIES
		# Metro Counties	# Nonmetro Counties		# Urban Counties	# Rural Counties	
United States	3,142	841	2,301	3,142	516	2,626	325
Alabama	67	21	46	67	14	53	7
Alaska	26	1	25	26	1	25	0
Arizona	15	6	9	15	4	11	2
Arkansas	75	11	64	75	6	69	5
California	58	34	24	58	31	27	3
Colorado	63	11	52	63	10	53	1
Connecticut	8	6	2	8	5	3	1
Delaware	3	2	1	3	2	1	0
District of Columbia	1	1	0	1	1	0	0
Florida	67	34	33	67	28	39	6
Georgia	159	42	117	159	16	143	26
Hawaii	5	1	4	5	1	4	0
Idaho	44	2	42	44	1	43	1
Illinois	102	28	74	102	17	85	11
Indiana	92	37	55	92	16	76	21
Iowa	99	10	89	99	8	91	2
Kansas	105	9	96	105	5	100	4
Kentucky	120	22	98	120	9	111	13
Louisiana	64	24	40	64	12	52	12
Maine	16	3	13	16	3	13	0
Maryland	24	15	9	24	9	15	6
Massachusetts	14	11	3	14	10	4	1
Michigan	83	25	58	83	14	69	11
Minnesota	87	18	69	87	9	78	9
Mississippi	82	9	73	82	5	77	4
Missouri	115	22	93	115	10	105	12
Montana	57	2	55	57	2	55	0
Nebraska	93	6	87	93	4	89	2
Nevada	17	3	14	17	2	15	1
New Hampshire	10	3	7	10	2	8	1
New Jersey	21	21	0	21	16	5	5
New Mexico	33	6	27	33	4	29	2
New York	62	38	24	62	24	38	14
North Carolina	100	35	65	100	18	82	17
North Dakota	53	4	49	53	4	49	0
Ohio	88	39	49	88	20	68	19
Oklahoma	77	14	63	77	7	70	7
Oregon	36	9	27	36	6	30	3
Pennsylvania	67	33	34	67	24	43	9
Rhode Island	5	4	1	5	3	2	1
South Carolina	46	16	30	46	12	34	4
South Dakota	66	3	63	66	3	63	0
Tennessee	95	26	69	95	9	86	17
Texas	254	58	196	254	36	218	22
Utah	29	5	24	29	4	25	1
Vermont	14	3	11	14	1	13	2
Virginia	136	62	74	136	33	103	29
Washington	39	12	27	39	11	28	1
West Virginia	55	12	43	55	7	48	5
Wisconsin	72	20	52	72	15	57	5
Wyoming	23	2	21	23	2	21	0

APPENDIX C-1, CORRECTED, FEBRUARY 20, 1998
ESTIMATED METRO/NONMETRO COUNTIES USING WAIVER CRITERIA FOR STATES EAST AND WEST OF THE MISSISSIPPI RIVER

CENTER FOR RURAL PENNSYLVANIA, 212 LOCUST STREET, SUITE 604, HARRISBURG, PA 17101 (717) 787-9555

	TOTAL # COUNTIES	METRO / NONMETRO DEFINITION		TOTAL # COUNTIES	POTENTIAL WAIVER CRITERIA COUNTIES		# WAIVER CRITERIA RURAL COUNTIES MINUS # NONMETRO COUNTIES
		# Metro Counties	# Nonmetro Counties		# Urban Counties	# Rural Counties	
STATES EAST OF THE MISSISSIPPI RIVER							
Alabama	67	21	46	67	14	53	7
Connecticut	8	6	2	8	5	3	1
Delaware	3	2	1	3	2	1	0
District of Columbia	1	1	0	1	1	0	0
Florida	67	34	33	67	28	39	6
Georgia	159	42	117	159	16	143	26
Illinois	102	28	74	102	17	85	11
Indiana	92	37	55	92	16	76	21
Kentucky	120	22	98	120	9	111	13
Maine	16	3	13	16	3	13	0
Maryland	24	15	9	24	9	15	6
Massachusetts	14	11	3	14	10	4	1
Michigan	83	25	58	83	14	69	11
Mississippi	82	9	73	82	5	77	4
New Hampshire	10	3	7	10	2	8	1
New Jersey	21	21	0	21	16	5	5
New York	62	38	24	62	24	38	14
North Carolina	100	35	65	100	18	82	17
Ohio	88	39	49	88	20	68	19
Pennsylvania	67	33	34	67	24	43	9
Rhode Island	5	4	1	5	3	2	1
South Carolina	46	16	30	46	12	34	4
Tennessee	95	26	69	95	9	86	17
Vermont	14	3	11	14	1	13	2
Virginia	136	62	74	136	33	103	29
West Virginia	55	12	43	55	7	48	5
Wisconsin	72	20	52	72	15	57	5
Total for States East of the Mississippi River	1,069	568	1,041	1,069	333	1,276	235

APPENDIX C-1, CORRECTED, FEBRUARY 20, 1998
CONTINUED

CENTER FOR RURAL PENNSYLVANIA, 212 LOCUST STREET, SUITE 604, HARRISBURG, PA 17101 (717) 787-9555

	TOTAL # COUNTIES	METRO / NONMETRO DEFINITION		TOTAL # COUNTIES	POTENTIAL WAIVER CRITERIA COUNTIES		# WAIVER CRITERIA RURAL COUNTIES MINUS # NONMETRO COUNTIES
		# Metro Counties	# Nonmetro Counties		# Urban Counties	# Rural Counties	
STATES WEST OF THE MISSISSIPPI RIVER							
Alaska	26	1	25	26	1	25	0
Arizona	15	6	9	15	4	11	2
Arkansas	75	11	64	75	6	69	5
California	58	34	24	58	31	27	3
Colorado	63	11	52	63	10	53	1
Hawaii	5	1	4	5	1	4	0
Idaho	44	2	42	44	1	43	1
Iowa	99	10	89	99	8	91	2
Kansas	105	9	96	105	5	100	4
Louisiana	64	24	40	64	12	52	12
Minnesota	87	18	69	87	9	78	9
Missouri	115	22	93	115	10	105	12
Montana	57	2	55	57	2	55	0
Nebraska	93	6	87	93	4	89	2
Nevada	17	3	14	17	2	15	1
New Mexico	33	6	27	33	4	29	2
North Dakota	53	4	49	53	4	49	0
Oklahoma	77	14	63	77	7	70	7
Oregon	36	9	27	36	6	30	3
South Dakota	66	3	63	66	3	63	0
Texas	254	58	196	254	36	218	22
Utah	29	5	24	29	4	25	1
Washington	39	12	27	39	11	28	1
Wyoming	23	2	21	23	2	21	0
Total for States West of the Mississippi River	1,533	273	1,260	1,533	183	1,350	90

APPENDIX D, CORRECTED, FEBRUARY 20, 1998
ESTIMATE OF DISCOUNT COSTS UNDER WAIVER CRITERIA

	Total United States	States East of Mississippi River	States West of Mississippi River
METRO/NONMETRO COUNTIES			
# Metro Counties	841	568	273
# Nonmetro Counties	2,301	1,041	1,260
POTENTIAL WAIVER COUNTIES			
# Urban Counties	516	333	183
# Rural Counties	2,626	1,276	1,350
ELIGIBLE COUNTIES			
Counties Eligible for Waiver	325	235	90
SCHOOLS AND LIBRARIES PROGRAM			
Avg. Discount Loss of Pennsylvania Waiver Counties	\$373,891	\$373,891	\$373,891
Total Discount Loss for Counties Eligible for Waiver	\$121,514,575	\$87,864,385	\$33,650,190
Total Estimated Discount for Schools and Libraries	\$2,500,000,000	\$2,500,000,000	\$2,500,000,000
Increase in Schools and Library Discount Program as % of the National Program Costs	4.9%	3.5%	1.3%
RURAL HEALTH CENTER PROGRAM			
Avg. Discount Loss of Pennsylvania Waiver Counties in Rural Health Program	\$52,787	\$52,787	\$52,787
Total Discount Loss for Counties Eligible for Waiver	\$17,155,775	\$12,404,945	\$4,750,830
Total Estimated Health Center Discount	\$400,000,000	\$400,000,000	\$400,000,000
Increase in Discount Program Cost as % of National Program Costs	4.3%	3.1%	1.2%

APPENDIX D-1, CORRECTED, FEBRUARY 20, 1998
ESTIMATE OF DISCOUNT COST BY STATE UNDER WAIVER CRITERIA

		SCHOOLS AND LIBRARIES PROGRAM				RURAL HEALTH CENTER PROGRAM			
# Waiver Counties Minus # Non Metro Counties		Avg. Discount Loss of Pennsylvania Waiver Counties	Total Discount Loss for Counties Eligible for Waiver	Total Estimated Discount for Schools and Libraries	Increase in Schools and Library Discount Program as % of the National Program Costs	Avg. Discount Loss of Pennsylvania Waiver Counties in Rural Health Center in Counties Eligible for Waiver	Total Discount Loss for Counties Eligible for Waiver	Total Estimated Health Center Discount	Increase in Discount Program Cost as % of National Program Costs
United States	325	\$373,891	\$121,514,575	\$2,500,000,000	4.9%	\$52,787	\$17,155,775	\$400,000,000	4.3%
Alabama	7	\$373,891	\$2,617,237	\$2,500,000,000	0.1%	\$52,787	\$369,509	\$400,000,000	0.1%
Connecticut	1	\$373,891	\$373,891	\$2,500,000,000	0.0%	\$52,787	\$52,787	\$400,000,000	0.0%
Delaware	0	\$373,891	\$0	\$2,500,000,000	0.0%	\$52,787	\$0	\$400,000,000	0.0%
District of Columbia	0	\$373,891	\$0	\$2,500,000,000	0.0%	\$52,787	\$0	\$400,000,000	0.0%
Florida	6	\$373,891	\$2,243,346	\$2,500,000,000	0.1%	\$52,787	\$316,722	\$400,000,000	0.1%
Georgia	26	\$373,891	\$9,721,166	\$2,500,000,000	0.4%	\$52,787	\$1,372,462	\$400,000,000	0.3%
Illinois	11	\$373,891	\$4,112,801	\$2,500,000,000	0.2%	\$52,787	\$580,657	\$400,000,000	0.1%
Indiana	21	\$373,891	\$7,851,711	\$2,500,000,000	0.3%	\$52,787	\$1,108,527	\$400,000,000	0.3%
Kentucky	13	\$373,891	\$4,860,583	\$2,500,000,000	0.2%	\$52,787	\$686,231	\$400,000,000	0.2%
Maine	0	\$373,891	\$0	\$2,500,000,000	0.0%	\$52,787	\$0	\$400,000,000	0.0%
Maryland	6	\$373,891	\$2,243,346	\$2,500,000,000	0.1%	\$52,787	\$316,722	\$400,000,000	0.1%
Massachusetts	1	\$373,891	\$373,891	\$2,500,000,000	0.0%	\$52,787	\$52,787	\$400,000,000	0.0%
Michigan	11	\$373,891	\$4,112,801	\$2,500,000,000	0.2%	\$52,787	\$580,657	\$400,000,000	0.1%
Mississippi	4	\$373,891	\$1,495,564	\$2,500,000,000	0.1%	\$52,787	\$211,148	\$400,000,000	0.1%
New Hampshire	1	\$373,891	\$373,891	\$2,500,000,000	0.0%	\$52,787	\$52,787	\$400,000,000	0.0%
New Jersey	5	\$373,891	\$1,869,455	\$2,500,000,000	0.1%	\$52,787	\$263,935	\$400,000,000	0.1%
New York	14	\$373,891	\$5,234,474	\$2,500,000,000	0.2%	\$52,787	\$739,018	\$400,000,000	0.2%
North Carolina	17	\$373,891	\$6,356,147	\$2,500,000,000	0.3%	\$52,787	\$897,379	\$400,000,000	0.2%
Ohio	19	\$373,891	\$7,103,929	\$2,500,000,000	0.3%	\$52,787	\$1,002,953	\$400,000,000	0.3%
Pennsylvania	9	\$373,891	\$3,365,019	\$2,500,000,000	0.1%	\$52,787	\$475,083	\$400,000,000	0.1%
Rhode Island	1	\$373,891	\$373,891	\$2,500,000,000	0.0%	\$52,787	\$52,787	\$400,000,000	0.0%
South Carolina	4	\$373,891	\$1,495,564	\$2,500,000,000	0.1%	\$52,787	\$211,148	\$400,000,000	0.1%
Tennessee	17	\$373,891	\$6,356,147	\$2,500,000,000	0.3%	\$52,787	\$897,379	\$400,000,000	0.2%
Vermont	2	\$373,891	\$747,782	\$2,500,000,000	0.0%	\$52,787	\$106,574	\$400,000,000	0.0%
Virginia	29	\$373,891	\$10,842,839	\$2,500,000,000	0.4%	\$52,787	\$1,530,823	\$400,000,000	0.4%
West Virginia	5	\$373,891	\$1,869,455	\$2,500,000,000	0.1%	\$52,787	\$263,935	\$400,000,000	0.1%
Wisconsin	5	\$373,891	\$1,869,455	\$2,500,000,000	0.1%	\$52,787	\$263,935	\$400,000,000	0.1%
Alaska	0	\$373,891	\$0	\$2,500,000,000	0.0%	\$52,787	\$0	\$400,000,000	0.0%
Arizona	2	\$373,891	\$747,782	\$2,500,000,000	0.0%	\$52,787	\$106,574	\$400,000,000	0.0%
Arkansas	5	\$373,891	\$1,869,455	\$2,500,000,000	0.1%	\$52,787	\$263,935	\$400,000,000	0.1%
California	3	\$373,891	\$1,121,673	\$2,500,000,000	0.0%	\$52,787	\$158,361	\$400,000,000	0.0%
Colorado	1	\$373,891	\$373,891	\$2,500,000,000	0.0%	\$52,787	\$52,787	\$400,000,000	0.0%
Hawaii	0	\$373,891	\$0	\$2,500,000,000	0.0%	\$52,787	\$0	\$400,000,000	0.0%
Idaho	1	\$373,891	\$373,891	\$2,500,000,000	0.0%	\$52,787	\$52,787	\$400,000,000	0.0%
Iowa	2	\$373,891	\$747,782	\$2,500,000,000	0.0%	\$52,787	\$106,574	\$400,000,000	0.0%
Kansas	4	\$373,891	\$1,495,564	\$2,500,000,000	0.1%	\$52,787	\$211,148	\$400,000,000	0.1%
Louisiana	12	\$373,891	\$4,486,692	\$2,500,000,000	0.2%	\$52,787	\$633,444	\$400,000,000	0.2%
Minnesota	9	\$373,891	\$3,365,019	\$2,500,000,000	0.1%	\$52,787	\$475,083	\$400,000,000	0.1%
Missouri	12	\$373,891	\$4,486,692	\$2,500,000,000	0.2%	\$52,787	\$633,444	\$400,000,000	0.2%
Montana	0	\$373,891	\$0	\$2,500,000,000	0.0%	\$52,787	\$0	\$400,000,000	0.0%
Nebraska	2	\$373,891	\$747,782	\$2,500,000,000	0.0%	\$52,787	\$106,574	\$400,000,000	0.0%
Nevada	1	\$373,891	\$373,891	\$2,500,000,000	0.0%	\$52,787	\$52,787	\$400,000,000	0.0%
New Mexico	2	\$373,891	\$747,782	\$2,500,000,000	0.0%	\$52,787	\$106,574	\$400,000,000	0.0%
North Dakota	0	\$373,891	\$0	\$2,500,000,000	0.0%	\$52,787	\$0	\$400,000,000	0.0%
Oklahoma	7	\$373,891	\$2,617,237	\$2,500,000,000	0.1%	\$52,787	\$369,509	\$400,000,000	0.1%
Oregon	3	\$373,891	\$1,121,673	\$2,500,000,000	0.0%	\$52,787	\$158,361	\$400,000,000	0.0%
South Dakota	0	\$373,891	\$0	\$2,500,000,000	0.0%	\$52,787	\$0	\$400,000,000	0.0%
Texas	22	\$373,891	\$8,225,602	\$2,500,000,000	0.3%	\$52,787	\$1,161,314	\$400,000,000	0.3%
Utah	1	\$373,891	\$373,891	\$2,500,000,000	0.0%	\$52,787	\$52,787	\$400,000,000	0.0%
Washington	1	\$373,891	\$373,891	\$2,500,000,000	0.0%	\$52,787	\$52,787	\$400,000,000	0.0%
Wyoming	0	\$373,891	\$0	\$2,500,000,000	0.0%	\$52,787	\$0	\$400,000,000	0.0%

COUNTIES POTENTIALLY AFFECTED BY PENNSYLVANIA WAIVER CRITERIA: 1995 ESTIMATE BY THE CENTER FOR RURAL PENNSYLVANIA AND THE PAPUC

METROPOLITAN COUNTIES THAT ARE LESS THAN 50% URBANIZED AND DO NOT CONTAIN A CENTRAL CITY. METROPOLITAN COUNTIES DESIGNATION, 1995

State Name	MSA Code	FIBS Code	County Name	Total Population, 1990	Urbanized Population, 1990	% Urbanized
Alabama	5160	000481	Baldwin County	98,280	0	0%
Alabama	1000	000484	Blount County	39,248	0	0%
Alabama	2180	000502	Dale County	49,633	3,230	7%
Alabama	5240	000505	Elmore County	49,210	685	1%
Alabama	2030	000519	Lawrence County	31,513	0	0%
Alabama	3440	000521	Limestone County	54,135	56	0%
Alabama	1000	000537	St. Clair County	50,009	0	0%
Arizona	4120	000697	Mohave County	93,497	0	0%
Arizona	6200	000700	Pinal County	116,379	19,023	16%
Arkansas	2580	000766	Benton County	97,499	976	1%
Arkansas	2720	000779	Crawford County	42,493	14,930	35%
Arkansas	4400	000785	Faulkner County	60,006	0	0%
Arkansas	4400	000805	Lonoke County	39,268	0	0%
Arkansas	4400	000825	Saline County	64,183	3,594	6%
California	6922	000904	El Dorado County	125,995	0	0%
California	2840	000915	Madera County	88,090	0	0%
California	6922	000926	Placer County	172,796	74,253	43%
Colorado	2082	001385	Douglas County	60,391	17,967	30%
Connecticut	3283	001507	Tolland County	128,699	35,197	27%
Florida	2020	001800	Flagler County	28,701	0	0%
Florida	8240	001802	Gadsden County	41,105	0	0%
Florida	5960	001817	Lake County	152,104	0	0%
Florida	3600	001827	Nassau County	43,941	0	0%
Florida	3600	001837	St. Johns County	83,829	14,654	17%
Florida	6080	001839	Santa Rosa County	81,608	29,018	36%
Georgia	0520	002104	Barrow County	29,721	0	0%
Georgia	0520	002105	Bartow County	55,911	1,811	3%
Georgia	7520	002112	Bryan County	15,438	0	0%
Georgia	0520	002119	Carroll County	71,422	0	0%
Georgia	0520	002125	Cherokee County	90,204	33,218	37%
Georgia	0520	002135	Coweta County	53,853	0	0%
Georgia	1560	002138	Dade County	13,147	461	4%
Georgia	7520	002148	Effingham County	25,687	0	0%
Georgia	0520	002153	Fayette County	62,415	1,167	2%
Georgia	0520	002155	Forsyth County	44,083	0	0%
Georgia	1800	002169	Harris County	17,788	0	0%
Georgia	0520	002172	Henry County	58,741	8,434	14%
Georgia	4680	002181	Jones County	20,739	3,744	18%
Georgia	0120	002185	Lee County	16,250	3,537	22%
Georgia	0600	002191	McDuffie County	20,119	0	0%
Georgia	0500	002194	Madison County	21,050	0	0%
Georgia	0520	002204	Newton County	41,808	0	0%
Georgia	0500	002205	Oconee County	17,618	846	5%
Georgia	0520	002207	Paulding County	41,611	0	0%
Georgia	4680	002208	Peach County	21,189	0	0%
Georgia	0520	002209	Pickens County	14,432	0	0%
Georgia	0520	002219	Rockdale County	54,091	22,091	41%
Georgia	0520	002223	Spalding County	54,457	0	0%
Georgia	4680	002240	Twiggs County	9,806	0	0%
Georgia	1560	002243	Walker County	58,340	21,809	37%

Georgia	0520	002244	Walton County	38,586	0	0%
Idaho	1080	002421	Canyon County	90,076	0	0%
Illinois	6880	002496	Boone County	30,806	0	0%
Illinois	7040	002506	Clinton County	33,944	0	0%
Illinois	1602	002511	DeKalb County	77,932	0	0%
Illinois	1602	002524	Grundy County	32,337	0	0%
Illinois	1960	002529	Henry County	51,159	5,373	11%
Illinois	7040	002534	Jersey County	20,539	0	0%
Illinois	1602	002539	Kendall County	39,413	16,319	41%
Illinois	7880	002557	Menard County	11,164	0	0%
Illinois	7040	002559	Monroe County	22,422	5,622	25%
Illinois	6880	002563	Ogle County	45,957	0	0%
Illinois	6120	002594	Woodford County	32,653	64	0%
Indiana	2760	002806	Adams County	31,095	0	0%
Indiana	3480	002811	Boone County	38,147	5,525	14%
Indiana	8320	002816	Clay County	24,705	0	0%
Indiana	3920	002817	Clinton County	30,974	0	0%
Indiana	1642	002820	Dearborn County	38,835	0	0%
Indiana	2760	002822	De Kalb County	35,324	0	0%
Indiana	3480	002835	Hancock County	45,527	3,173	7%
Indiana	4520	002836	Harrison County	29,890	0	0%
Indiana	3480	002837	Hendricks County	75,717	5,002	7%
Indiana	2760	002840	Huntington County	35,427	0	0%
Indiana	3480	002860	Morgan County	55,920	0	0%
Indiana	1642	002863	Ohio County	5,315	0	0%
Indiana	1602	002869	Porter County	128,932	56,066	43%
Indiana	2440	002870	Posey County	25,968	0	0%
Indiana	4520	002877	Scott County	20,991	0	0%
Indiana	3480	002878	Shelby County	40,307	0	0%
Indiana	3850	002885	Tipton County	16,119	0	0%
Indiana	8320	002888	Vermillion County	16,773	0	0%
Indiana	2440	002892	Warrick County	44,920	15,374	34%
Indiana	2760	002895	Wells County	25,948	0	0%
Indiana	2760	002897	Whitley County	27,651	0	0%
Iowa	2120	003018	Dallas County	29,755	0	0%
Iowa	2120	003084	Warren County	36,033	7,093	20%
Kansas	9040	003161	Butler County	50,580	0	0%
Kansas	9040	003193	Harvey County	31,028	0	0%
Kansas	3760	003205	Leavenworth County	64,371	0	0%
Kansas	3760	003214	Miami County	23,466	0	0%
Kentucky	4280	003332	Bourbon County	19,236	0	0%
Kentucky	4520	003338	Bullitt County	47,567	12,299	26%
Kentucky	3400	003345	Carter County	24,340	0	0%
Kentucky	1660	003347	Christian County	68,941	21,725	32%
Kentucky	4280	003348	Clark County	29,496	0	0%
Kentucky	1642	003362	Gallatin County	5,393	0	0%
Kentucky	1642	003364	Grant County	15,737	0	0%
Kentucky	4280	003380	Jessamine County	30,508	1,948	6%
Kentucky	4280	003399	Madison County	57,508	0	0%
Kentucky	4520	003416	Oldham County	33,263	0	0%
Kentucky	1642	003419	Pendleton County	12,036	0	0%
Kentucky	4280	003428	Scott County	23,867	0	0%
Kentucky	4280	003443	Woodford County	19,955	0	0%
Louisiana	3880	003514	Acadia Parish	55,882	0	0%
Louisiana	0760	003516	Ascension Parish	58,214	0	0%
Louisiana	3350	003542	Lafourche Parish	85,860	3,810	4%
Louisiana	0760	003545	Livingston Parish	70,526	14,586	21%
Louisiana	5560	003551	Plaquemines County	25,575	8,512	33%
Louisiana	5560	003560	St. James Parish	20,879	0	0%
Louisiana	5560	003561	St. John the Baptist Parish	39,996	0	0%

Louisiana	3880	003562	St. Landry Parish	80,331	0	0%
Louisiana	3880	003563	St. Martin Parish	43,978	0	0%
Louisiana	5560	003565	St. Tammany Parish	144,508	54,086	37%
Louisiana	7680	003573	Webster Parish	41,989	0	0%
Louisiana	0760	003574	West Baton Rouge Parish	19,419	6,721	35%
Maryland	8872	003771	Calvert County	51,372	0	0%
Maryland	8872	003773	Carroll County	123,372	0	0%
Maryland	6162	003774	Cecil County	71,347	13,679	19%
Maryland	8872	003775	Charles County	101,154	0	0%
Maryland	8872	003777	Frederick County	150,208	58,427	39%
Maryland	8872	003784	Queen Anne's County	33,953	0	0%
Massachusetts	8003	003929	Hampshire County	146,568	62,716	43%
Michigan	3000	004307	Allegan County	90,509	6,857	8%
Michigan	4040	004323	Clinton County	57,883	4,329	7%
Michigan	4040	004327	Eaton County	92,879	27,189	29%
Michigan	2162	004348	Lapeer County	74,768	0	0%
Michigan	2162	004350	Lenawee County	91,476	0	0%
Michigan	2162	004351	Livingston County	115,645	0	0%
Michigan	6960	004360	Midland County	75,651	0	0%
Michigan	2162	004362	Monroe County	133,600	20,842	16%
Michigan	3000	004374	Ottawa County	187,768	89,327	48%
Michigan	2162	004378	St. Clair County	145,607	68,406	47%
Michigan	3720	004384	Van Buren County	70,060	0	0%
Minnesota	5120	004703	Carver County	47,915	14,086	29%
Minnesota	5120	004706	Chisago County	30,521	0	0%
Minnesota	3870	004721	Houston County	18,497	4,735	26%
Minnesota	5120	004723	Isanti County	25,921	0	0%
Minnesota	2985	004753	Polk County	32,498	8,658	27%
Minnesota	5120	004763	Scott County	57,846	21,454	37%
Minnesota	5120	004764	Sherburne County	41,945	5,284	13%
Minnesota	6980	004766	Stearns County	118,791	52,553	44%
Minnesota	5120	004779	Wright County	68,710	34	0%
Mississippi	4920	004975	DeSoto County	67,910	29,324	43%
Mississippi	0920	004981	Hancock County	31,760	13,720	43%
Mississippi	3285	004995	Lamar County	30,424	8,079	27%
Mississippi	3560	005003	Madison County	53,794	21,158	39%
Missouri	7000	005107	Andrew County	14,632	1,772	12%
Missouri	3760	005124	Cass County	63,808	24,488	38%
Missouri	7920	005127	Christian County	32,644	0	0%
Missouri	3760	005130	Clinton County	16,595	0	0%
Missouri	7040	005141	Franklin County	80,603	0	0%
Missouri	7040	005155	Jefferson County	171,380	72,685	42%
Missouri	3760	005159	Lafayette County	31,107	0	0%
Missouri	7040	005162	Lincoln County	28,892	0	0%
Missouri	3710	005178	Newton County	44,445	6,227	14%
Missouri	3760	005194	Ray County	21,971	0	0%
Missouri	7040	005214	Warren County	19,534	0	0%
Missouri	7920	005217	Webster County	23,753	0	0%
Nebraska	5920	005427	Cass County	21,318	0	0%
Nebraska	5920	005503	Washington County	16,607	0	0%
Nevada	4120	005564	Nye County	17,781	0	0%
New Hampshire	1123	005622	Rockingham County	245,845	52,837	21%
New Jersey	6162	005733	Cape May County	95,089	21,666	23%
New Jersey	5602	005738	Hunterdon County	107,776	12	0%
New Jersey	6162	005745	Salem County	65,294	26,515	41%
New Jersey	5602	005747	Sussex County	130,943	22,153	17%

New Jersey	5602	005749	Warren County	91,607	24,903	27%
New Mexico	7490	006181	Los Alamos County	18,115	0	0%
New Mexico	0200	006198	Valencia County	45,235	0	0%
New York	8160	006254	Cayuga County	82,313	0	0%
New York	6840	006267	Genesee County	60,060	0	0%
New York	8680	006270	Herkimer County	65,797	1,085	2%
New York	6840	006274	Livingston County	62,372	0	0%
New York	8160	006275	Madison County	69,120	0	0%
New York	0160	006277	Montgomery County	51,981	0	0%
New York	6840	006283	Ontario County	95,101	0	0%
New York	6840	006285	Orleans County	41,846	0	0%
New York	8160	006286	Oswego County	121,771	2,556	2%
New York	0160	006294	Saratoga County	181,276	52,184	29%
New York	0160	006296	Schoharie County	31,859	0	0%
New York	0960	006302	Tioga County	52,337	7,522	14%
New York	2975	006306	Washington County	59,330	15,296	26%
New York	6840	006307	Wayne County	89,123	0	0%
North Carolina	3290	006721	Alexander County	27,544	0	0%
North Carolina	9200	006729	Brunswick County	50,985	2,809	6%
North Carolina	3290	006733	Caldwell County	70,709	0	0%
North Carolina	6640	006738	Chatham County	38,759	0	0%
North Carolina	5720	006746	Currituck County	13,736	0	0%
North Carolina	3120	006748	Davidson County	126,677	20,144	16%
North Carolina	3120	006749	Davie County	27,859	0	0%
North Carolina	6895	006752	Edgecombe County	56,558	17,172	30%
North Carolina	6640	006754	Franklin County	36,414	0	0%
North Carolina	6640	006770	Johnston County	81,306	0	0%
North Carolina	1520	006774	Lincoln County	50,319	0	0%
North Carolina	0480	006777	Madison County	16,953	0	0%
North Carolina	3120	006795	Randolph County	106,546	14,238	13%
North Carolina	1520	006799	Rowan County	110,605	19,360	18%
North Carolina	3120	006804	Stokes County	37,223	0	0%
North Carolina	1520	006809	Union County	84,211	4,400	5%
North Carolina	3120	006818	Yadkin County	30,488	0	0%
Ohio	1692	006999	Ashtabula County	99,821	0	0%
Ohio	4320	007001	Auglaize County	44,585	2,053	5%
Ohio	9000	007002	Belmont County	71,074	25,088	35%
Ohio	1642	007003	Brown County	34,966	0	0%
Ohio	1320	007005	Carroll County	26,521	0	0%
Ohio	9320	007010	Columbiana County	108,276	0	0%
Ohio	4800	007012	Crawford County	47,870	0	0%
Ohio	1840	007016	Delaware County	66,929	9,949	15%
Ohio	1840	007018	Fairfield County	103,461	7,270	7%
Ohio	8400	007021	Fulton County	38,498	0	0%
Ohio	1692	007023	Geauga County	81,129	8,277	10%
Ohio	1840	007040	Licking County	128,300	55,958	44%
Ohio	1840	007044	Madison County	37,068	0	0%
Ohio	1692	007047	Medina County	122,354	47,724	39%
Ohio	2000	007050	Miami County	93,182	5,361	6%
Ohio	1840	007060	Pickaway County	48,255	0	0%
Ohio	1692	007062	Portage County	142,585	63,405	44%
Ohio	6020	007079	Washington County	62,254	6,836	11%
Ohio	8400	007082	Wood County	113,269	39,553	35%
Oklahoma	8560	007297	Creek County	60,915	176	0%
Oklahoma	5880	007320	Logan County	29,011	1,071	4%
Oklahoma	5880	007322	McClain County	22,795	0	0%
Oklahoma	8560	007335	Osage County	41,645	6,054	15%
Oklahoma	8560	007344	Rogers County	55,170	3,516	6%
Oklahoma	2720	007346	Sequoyah County	33,828	259	1%
Oklahoma	8560	007351	Wagoner County	47,883	8,967	19%
Oregon	6442	007430	Columbia County	37,557	2,204	6%